

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JUSTIN WILKERSON §

VS. § CIVIL ACTION NO. 2:06cv329

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report and Recommendation on Defendant's motion to remand and Report and Recommendation on the merits of the case. The Reports contained proposed findings of fact and recommendations for disposition.

Plaintiff filed objections to the Report and Recommendation on the merits of the case. Plaintiff objects to the Report's lack of clarity regarding which Social Security Administration decision the Court is recommending should be reversed and remanded. Plaintiff also objects to this Court's not ordering the Social Security Administration to pay Plaintiff back and ongoing benefits.

This Court has made a *de novo* review of Plaintiff's objections and determined that the objections have merit. The Social Security Administration found that Plaintiff was disabled from the alleged onset date through January 18, 2003. Plaintiff was entitled to disability benefits for that time period. The Social Security Administration also found that Plaintiff was no longer disabled after January 18, 2003, so Plaintiff would no longer be entitled to benefits after that time. This Court is reversing and remanding the finding that Plaintiff was no longer disabled after January 18, 2003, and therefore not entitled to benefits after that time. Upon this Court's reversal and remand, the

Social Security Administration's determination that Plaintiff is disabled remains in effect, and Plaintiff is therefore disabled and entitled to reinstatement of benefits, until such time, if any, that the Social Security Administration properly finds that Plaintiff's disability has terminated.

This Court finds that the Magistrate Judge's findings and conclusions are correct and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Defendant's motion to remand (dkt#20) is **DENIED**;

ORDERS Defendant to reinstate benefits as of January 19, 2003, according to the Social Security Administration rules;

ORDERS, ADJUDGES, and DECREES that the Social Security Administration's decision that Plaintiff is not entitled to a period of disability benefits for the time period after January 18, 2003, is **REVERSED** and **REMANDED**; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 27th day of September, 2007.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE